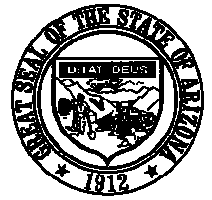




THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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Governor
Janet Napolitano
Commissioners
Chairman, Joe Carter, Safford
Susan E. Chilton, Arivaca
W. Hays Gilstrap, Phoenix
Joe Melton, Yuma
Michael M. Golightly, Flagstaff
Director
Duane L. Shroufe
Deputy Director
Steve K. Ferrell



REVISION #1

August 4, 2003

A public meeting of the Arizona Game and Fish Commission will be held on August 8-9, 2003, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

Friday, August 8, 2003, Arizona Game and Fish Commission at the Radisson Woodlands Hotel, 1175 W. Route 66, Flagstaff, Arizona 86001.

Meeting Begins at 8:00 a.m.

1. Executive Session

- a. Purchase of Real Property.** The Commission may vote to go into Executive Session to discuss, consult with, and instruct its attorneys and Department staff concerning negotiations for the purchase of real property and associated water rights pursuant to A.R.S. § 38-431.03(A)(7). The Commission may decide this matter in the public meeting or defer any decision to a later date.
- b. Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A) (3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the Commission's position on *State of Arizona v. Norton, CIV02-0402 PHX-FJM; Montoya v. Manning*, 301 F.3d 985 (9th Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River; Mark Boge v. Arizona Game & Fish Commission & Shroufe, CIV2000-020754; Mary R. LLC, et. al. v. The Arizona Game & Fish Commission, CIV2001-015313; Ameduri and Yee et. al. v. U.S. Forest Service et al., U.S. District Court No. CIV 02 2495 PCT FJM; Bar D Cattle Co. v. Shroufe, CIV2002-0872; and in the matter of Search Warrant No. CR 2002-2395SW; The Fund for Animals et. al. v. Norton et. al., USDC D.C. 1:30-CV-00892 (RJL); and Phelps Dodge Corp. v. Arizona Dept. of Water Resoruces, LC2003-000243-001DT.*
- c. Personnel Matters.** The Commission may vote to go into Executive Session to discuss personnel matters, including the Director's goals and objectives, and to consider the reappointment of Director Shroufe when his current contract expires January 21, 2004, pursuant to A.R.S. § 38-431.03(A)(1). The commission may vote on Director Shroufe's reappointment in the public meeting or defer a decision to a later date.

Public Session begins at approximately 9:00 a.m. following Executive Session.

- 2. Presenter: John Kennedy, Habitat Branch Chief. Request for the Commission to Approve the Acquisition by Donation of the Fort Mohave Farms Property Located Along the Colorado River in Mohave County, Arizona.** The Commission will be asked to vote to approve the acquisition by donation of the Fort Mohave Farms Property.
- 3. Presenter: John Kennedy, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto.** The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on state and federal lands in Arizona and other matters related thereto. The update addresses decisions or activities since the June 20, 2003, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 4. Presenter: John Kennedy, Habitat Branch Chief. An Update on the Land Acquisition Process, Challenges to Acquisition, and Recommendations to Streamline and Expedite the Acquisition Process.** The Commission will be briefed on the land acquisition process, challenges to acquisition, and recommendations to streamline and expedite the acquisition process. The Commission may vote to provide the Department with direction on modifications to the land acquisition process.
- 5. Presenter: John Kennedy, Habitat Branch Chief. Rocky Mountain Research Station Update on Fishery and Riparian Research on the Upper Verde River (1993-2003).** The Commission will be briefed on the Rocky Mountain Research Station's Fishery and Riparian Research on the Upper Verde River (1993-2003). The Commission may vote to take action on, or provide the Department direction on, this item.
- 6. Presenter: Kerry Baldwin, Education Branch Chief, Information and Education Division. Statewide Shooting Range Project Update.** The Commission will be provided a presentation on the status of various statewide shooting range issues and projects. The update addresses decisions or activities since the June 20, 2003, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 7. Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *State of Arizona v. Norton*, CIV02-0402 PHX-FJM; *Montoya v. Manning*, 301 F.3d 985 (9th Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Mary R. LLC, et. al. v. The Arizona Game & Fish Commission*, CIV2001-015313; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; and in the matter of *Search Warrant No. CR 2002-2395SW*; *The Fund for Animals et. al. v. Norton et. al.*, USDC D.C. 1:30-CV-00892 (RJL); and *Phelps Dodge Corp. v. Arizona Dept. of Water Resoruces*, LC2003-000243-001DT. A written report will also be available. The Commission may vote to take action on any case.

8. Presenter: Ty Gray, Responsive Management Coordinator. Commission briefing on Arizona Residents' Attitudes Toward Nongame Wildlife, the Economic Impact Analysis of Non-Consumptive Wildlife- Related Recreation, and the Economic Importance of Off-Highway Vehicle Recreation in Arizona. The Department will provide an introduction to this item and will present the Commission with a summary briefing on Arizona residents' attitudes toward nongame wildlife as well as the economic impacts of non-consumptive wildlife-related recreation and off-highway vehicle recreation for the State of Arizona and for each Arizona County. The Commission may vote to take action on, or provide the Department direction on, this item.

9. Call to the Public. Those persons wishing to speak should complete a speaker's card and present it to the Host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

***DELETE**

10. Presenter: John Kennedy, Habitat Branch Chief. An Update on the Sonoran Desert Conservation Plan and Multi-Species Habitat Conservation Plan for Pima County. The Commission will be briefed on the Sonoran Desert Conservation Plan and Multi-Species Conservation Plan for Pima County. The Commission may vote to take action on, or provide the Department direction on, this item.

11. Presenter: Leonard L. Ordway, Law Enforcement Branch Chief. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 1:30 p.m. The Commission will consider and take action on the Department's recommendations for license revocations and/or civil assessments for the following individuals.

<u>Name</u>	<u>Conviction</u>
Tremain, Jack L.	Count A: Take wildlife from a motor vehicle (antelope). Count C: Possession of unlawfully taken wildlife (antelope).
Smith, Chad L.	Count A: Take wildlife from a motor vehicle (antelope). Count C: Possession of unlawfully taken wildlife (antelope).
Hyslip, William G.	Count A: Possession of unlawfully taken wildlife (mountain lion).
Curry, Robert D.	Count A: Possession of unlawfully taken wildlife (mountain lion).

Pelayo, Jose J.	Count A: Take wildlife during closed season (3 elk). Count B: Hunt wildlife without a permit/tag. Count C: Possession of unlawfully taken wildlife (3 elk). Count D: Waste of game meat (1 elk). Count E: Possession of unlawfully taken wildlife (2 deer).
Morales, Gabriel C.	Count A: Possession of unlawfully taken wildlife (elk).
Martinez, Demetrio	Count A: Possession of unlawfully taken wildlife (elk).
Varela, Antonio G.	Count A: Possession of unlawfully taken wildlife (elk).
Naranjo, Antonio	Count A: Possession of unlawfully taken wildlife (2 elk). Count B: Take wildlife during a closed season (2 elk).
Pena, Martin	Count A: Possession of unlawfully taken wildlife (elk).
Llamas, Rosalio T.	Count A: Possession of unlawfully taken wildlife (elk). Count B: Possession of unlawfully taken wildlife (deer).
Mitchell, Jr., Lloyd E.	Count C: Possess/transport unlawfully taken wildlife (deer).
Delozier, Shawn T.	Count C: Possess/transport unlawfully taken wildlife (deer).
Cordova, Robert E.	Count A: Shoot from a roadway. Count B: Take wildlife without a tag. Count C: Open container of alcohol.
Martinez, Ernesto P.	Count A: Take wildlife without a tag.
Muhlenpoh, Richard	Count A: Take wildlife on posted private land (trespass).
Huston, Dennis R.	Count A: Take wildlife on posted private land (trespass).
Stahl, Justin M.	Count A: Possess unlawfully taken wildlife (deer). Count B: Exceed bag limit (deer).
Henry, Steven J.	Count A: Take over bag limit (2 bull elk). (Continued from the June 20, 2003 Commission meeting).
Herman, William H.	Count A: Attach a tag to an animal he did not kill (bull elk). Count B: Possess unlawfully taken wildlife (bull elk). (Continued from the June 20, 2003 Commission meeting).

Redfoot, Ralph L.

Count A: Possess unlawfully taken wildlife (turkey).
(Continued from the June 20, 2003 Commission meeting).

- 12. Presenter: Leonard L. Ordway, Law Enforcement Branch Chief. Rehearing Request for License Revocation/Civil Assessment.** Mr. Wayne Emmett Howell has requested the Game and Fish Commission to schedule a rehearing regarding the action taken on **April 11, 2003**, revoking his license(s) for a period of five (5) years, and further requiring him to satisfactorily complete the Hunter Education class before obtaining any license(s) in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.
- 13. Presenter: Leonard L. Ordway, Law Enforcement Branch Chief. Rehearing Request Regarding Previous License Revocation/Civil Assessment.** Ms. Billie K. Hill has requested the Arizona Game and Fish Commission to schedule a rehearing regarding the action taken on **June 20, 2003**, revoking her license(s) to hunt, fish, trap or guide for a period of five (5) years, invoking a civil assessment of \$222.65 and further requiring her to complete Hunter Education before obtaining any license(s) in the State of Arizona. The Commission may vote to affirm or modify its decision, or grant a rehearing.
- 14. Presenter: Anthony Guiles, Legislative Liaison. State and Federal Legislation.** The Commission will be briefed on the status of State and Federal legislation. The Commission may vote to take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.
- 15. Presenter: Anthony Guiles, Legislative Liaison. Proposed Legislation for 2004.** The Commission will be briefed on proposed legislation for 2004, which may include changes to Title 5, Boating and Water Sports statutes, and Title 17, Game and Fish statutes. The Commission may vote to provide direction to the Department on proposed legislation for 2004.
- 16. Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the Host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
- 17. Director's and Chairman's Reports.** The Director and the Chairman will report on recent Department and Commission activities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.
- 18. Commissioners' Reports.** The Commissioners will report on their recent activities related to Game and Fish Commission duties and responsibilities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

19. Presenter: Duane Shroufe, Director. Goals and Objectives Update for Second Quarter 2003. The Director will report on the progress made in the past three months regarding his annual goals and objectives as assigned by the Commission. The Commission may vote to take action on, or provide the Department direction on, this item.

20. Approval of Minutes for June 20-21, 2003, and **Signing of Minutes** for May 16, 2003.

Saturday, August 9, 2003, Arizona Game and Fish Commission at the Radisson Woodlands Hotel, 1175 W. Route 66, Flagstaff, Arizona 86001.

Meeting begins at 8:00 a.m.

Awards and Commissioning of Officers

- 1. Presenter: Brian Wakeling, Big Game Supervisor, Game Branch. Request to Adopt Commission Order 5: Spring Turkey, Commission Order 6: Javelina, Commission Order 8: Spring Buffalo, and Commission Order 9: Spring Black Bear.** The Department will present season recommendations for spring turkey, javelina, spring buffalo, and spring bear. The Commission will be asked to vote to approve Commission Orders 5, 6, 8, and 9.
- 2. Presenter: Sam Lawry, Migratory Game Bird Supervisor, Game Branch. Request to Adopt Commission Order 21 – Waterfowl and Commission Order 22 – Snipe.** The Department will present season recommendations for waterfowl and snipe. The Commission will be asked to vote to approve Commission Orders 21 and 22.

***CHANGE**

3. Article 3 Taking and Handling of Wildlife Rulemaking

***ADD**

- a. Presenter: Carlos Ramírez, Rulewriter. Request to Approve a Second Notice of Rulemaking Docket Opening, Retroactive to May 16, 2003, for Article 3, Taking and Handling of Wildlife.** The Commission will be asked to vote to approve a Second Notice of Rulemaking Docket Opening, Retroactive to May 16, 2003, to re-open the expired rulemaking docket for the amendment of the Article 3 rules related to the taking and handling of wildlife identified in the Five-Year Rules Review report approved by the Commission at the December 8, 2001, Commission meeting.

***CHANGE**

- b. Presenter: Carlos Ramírez, Rulewriter. Request to Approve the Notice of Proposed Rulemaking and the Preliminary Economic, Small Business and Consumer Impact Statements for the following Article 3, Taking and Handling of Wildlife, Rules: R12-4-301, R12-4-302, R12-4-303, R12-4-304, R12-4-305, R12-4-306, R12-4-307, R12-4-308, R12-4-310, R12-4-311, R12-4-312, R12-4-313, R12-4-314, R12-4-315, R12-4-316, R12-4-318 and R12-4-319; and new rules R12-4-317 and R12-4-320.** The Commission will be asked to vote to approve the Notice of Proposed Rulemaking and the preliminary Economic, Small Business and Consumer Impact Statements for R12-4-301, R12-4-302, R12-4-303, R12-4-304, R12-4-305, R12-4-306, R12-4-307, R12-4-308, R12-4-310, R12-4-311, R12-4-312, R12-4-313, R12-4-314, R12-4-315, R12-4-316, R12-4-318 and R12-4-319; and new rules R12-4-317 and R12-4-320 for filing with the Secretary of State.
- 4. Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the Host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
- 5. Future Agenda Items.**

The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order.

Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 2222 West Greenway Road, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

During the public meeting, the Commission will afford any person, his duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 2221 W. Greenway Road, Phoenix, Arizona 85023, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

"Managing Today for Wildlife Tomorrow"

A handwritten signature in black ink, reading "Duane L. Shroufe". The signature is fluid and cursive, with the first name "Duane" being the most prominent.

Duane L. Shroufe
Director

DLS:dy